

4-105. Motion to withdraw as counsel; order approving withdrawal.

*[For use with Magistrate Court Rule 2-108,
Metropolitan Court Rule 3-108 NMRA]*

STATE OF NEW MEXICO
[COUNTY OF _____]
[CITY OF _____]
_____ COURT

_____, Plaintiff

v.

No. _____

_____, Defendant

**MOTION TO WITHDRAW AS COUNSEL
ORDER APPROVING WITHDRAWAL**

_____ (*name of withdrawing attorney or firm.*) requests permission
of the court to withdraw as counsel for the above named party. The reason for the withdrawal is
_____ (*set forth reason for the withdrawal*).

[My] [Our] client

(check and complete applicable alternative)

[] has consented to the withdrawal and has been notified of all pending court dates.

[] has refused to agree to the withdrawal because _____ (*set forth reason
given by client*).

[] could not be notified after the following attempts:

_____. A return receipt for

certified or registered mail to my client's last known address is attached to this motion.

(check and complete applicable alternative)

[] _____ *(name of attorney)* is entering an appearance to represent the above named party¹.

[] _____ *(name of party)* will appear *pro se*. The last known address of

_____ *(telephone number)*

Dated: _____

Withdrawing attorney

Signed

Name *(print)*

Address *(print)*

City, state and zip code *(print)*

Telephone number

Entry of appearance by new attorney¹

Signed

Name (*print*)

Address (*print*)

City, state and zip code (*print*)

Telephone number

Last known address of *pro se* party

Address (*print*)

City, state and zip code (*print*)

Telephone number

APPROVED:

Attorney or *pro se* party

Date

CERTIFICATE OF SERVICE ON OPPOSING PARTY

I hereby certify that on this ____ day of _____, _____ this motion was

[mailed by United States mail, postage prepaid, and addressed to:

Name: _____

Address: _____

City, State
and zip code: _____]

[faxed by _____ (*name of person who faxed*) to the above named
person. The transmission was reported as complete and without error. The time and date
of the transmission was _____ (a.m.) (p.m.) on _____ (*date*).]

[e-mailed to _____ (*name of person who transmitted*) to
_____ at _____ (*electronic address of recipient*) which
address is on file with the clerk of the Supreme Court. The transmission was successful.
The time and date of the transmission was _____ (p.m.) (a.m.) on
_____ (*date*).]

Signature of attorney or party

Date of signature

CERTIFICATE OF SERVICE ON WITHDRAWING ATTORNEY'S CLIENT

I hereby certify that on this ____ day of _____, _____ this motion was

[mailed by United States mail, postage prepaid, and addressed to:

Name: _____

Address: _____

City, State

and zip code: _____]

[faxed by _____ (*name of person who faxed*) to the above named person. The transmission was reported as complete and without error. The time and date of the transmission was _____ (a.m.) (p.m.) on _____ (*date*).]

[e-mailed to _____ (*name of person who transmitted*) to _____ at _____ (*electronic address of recipient*) which address is on file with the clerk of the Supreme Court. The transmission was successful. The time and date of the transmission was _____ (p.m.) (a.m.) on _____ (*date*).]

Signature of attorney

Date of signature

WITHDRAWAL AND SUBSTITUTION OF ATTORNEY

[APPROVED] [DENIED]:

Judge

Date

USE NOTE

1. This form may also be used for the substitution of counsel. Unless there is a new attorney representing the party, insert "none". New counsel must also enter an appearance for the client.
2. Use only applicable alternative.

[Approved, by Supreme Court Order No. 05-8300-05, effective March 21, 2005.]